

REMARKS

Status of the Claims

Claims 1 – 21 were in the application.

Claims 1 –21 have been subject to a restriction requirement.

Claims 20 and 21 have been canceled, and new claims 22-24 have been added.

Upon entry of this amendment, claims 1 – 19 and 22-24 will be pending.

Restriction Requirement

The claims have been made subject of a restriction requirement and election of species.

The Office has identified two sets of inventions listed below:

Group I (Claims 1-19), drawn to a composition and a method for using the composition that comprises an isolated nucleotide sequence encoding an immunogen and an isolated nucleotide sequence encoding one or more transcription factors listed in claims 1, 7, or 15; and

Group II (Claims 20 and 21), drawn to a live attenuated pathogen and a method of using the pathogen, which comprises a nucleotide sequence encoding “one or more of the proteins listed in claim 20.”

(Office Action dated April 7, 2008, page 2).

Applicants elect claims 1-19 as identified above as Group I without traverse. Applicants have canceled claims 20 and 21 as being drawn to unelected subject matter. Applicants reserve the right to file a divisional application including claims drawn to the canceled subject matter pursuant to 35 U.S.C. § 121 when and if appropriate.

Applicants provisionally elect Ox40 as the species to be examined, and note that new claims 22-24 have been added to include embodiments that comprise nucleotide sequences that encode Ox40 or functional fragments thereof. Applicant further note that the Office has identified claims 1, 7, 15, and 20 as generic. (Office Action dated April 7, 2008, page 3). All of the claims read on the elected species. Applicants preserve the right for reconsideration of claims with additional species upon allowance of a generic claims as stated in the Office Action and as consistent with 37 CFR § 1.141 and MPEP § 809.03.

Conclusion

Claims 1 – 19 and 22-24 are in condition for allowance. A notice of allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiencies of fees and credit of any overpayments to Deposit Account No. 50-0436.

Respectfully Submitted,

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